

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
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**This Document relates to:**

*Burnett, et al. v. Al Baraka Inv. & Dev. Corp., et al.*, No. 03-cv-9849 (GBD)(SN)

**Burnett Plaintiffs' Notice of Motion for Entry of Default Judgments Against the Taliban  
for Certain Burnett Plaintiffs**

PLEASE TAKE NOTICE that upon the accompanying Declaration of John M. Eubanks (hereinafter “Eubanks Decl.”), with exhibits, and the accompanying memorandum of law, the *Burnett* Plaintiffs identified in Exhibits B-1 and B-2 to the Eubanks Decl., respectfully move this Court for an Order awarding them (1) compensatory damages for conscious pain and suffering in the same per estate amount previously awarded by this Court regarding other estates of decedents killed in the September 11 attacks (as indicated in Exhibit B-1); (2) solatium damages for the losses they suffered as immediate family members (in this instance, spouse, parents, children, siblings, and their functional equivalents) of their decedents in the same per plaintiff amount previously awarded by this Court to various identically situated plaintiffs (as indicated in B-2); (3) prejudgment interest at the rate of 4.96 percent per annum, compounded annually for the period from September 11, 2001 until the date of the judgment; and (4) permission for the *Burnett* plaintiffs identified in Exhibits B-1 and B-2 to seek punitive damages and economic damages at a later date. This Motion, along with the *Burnett* Plaintiffs' Motion for Entry of Default Judgments Against the Taliban for *Burnett* Plaintiffs with Liability Defaults and Final Judgments Against Iran Defendants being filed concurrently, is intended to supplant and substitute for the motion papers

filed at MDL ECF Nos. 7618, 7619, 7621, and 7646<sup>1</sup>, which the Plaintiffs intend to replace the previously filed motion to simplify the issues to be determined by the Court.

The *Burnett* Plaintiffs identified in Exhibit C-1 to the Eubanks Decl., are individuals who sustained personal injuries as a result of the terrorist attacks on September 11, 2001, and who have not yet obtained a judgment for pain-and-suffering damages against the Iran Defendants. Given the complexities in addressing personal-injury claims in this litigation, the *Burnett* Plaintiffs respectfully move this Court for an Order establishing a method of calculating their damages values to permit them to assert liquidated-damages judgments against The Taliban. The *Burnett* Plaintiffs identified in Exhibit C-2 to the accompanying Eubanks Decl., who assert claims as the functional equivalents of close family members of 9/11 decedent but have not yet sought or obtained a judgment value for solatium damages from the Court determining that they are functionally equivalent to a close family member, respectfully move this court for an Order establishing a method of expedited review of their claims to allow for entry of judgment in those cases where the Court deems it would be appropriate.

The *Burnett* Plaintiffs identified in Exhibits D-1 and D-2 to the Eubanks Decl., who joined the MDL proceedings after the entry of default against The Taliban on April 7, 2006 (“2006 Order”) respectfully move this Court for an Order (1) determining that they are encompassed within the prior 2006 default judgment against The Taliban; (2) awarding wrongful-death, solatium, and personal-injury damages to Plaintiffs who have obtained prior judgments against the Iran Defendants (in the amounts indicated for those Plaintiffs identified in Exhibit D-1); (3) wrongful-death and solatium damages to Plaintiffs who have not obtained prior judgments against the Iran Defendants (in the amounts indicated for those Plaintiffs identified in Exhibit D-2); (4)

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<sup>1</sup> ECF No. 7646 was itself a substitution for the earlier filed document at ECF No. 7620 which was inadvertently filed with certain pages missing.

prejudgment interest at the rate of 4.96 percent per annum, compounded annually for the period from September 11, 2001 until the date of the judgment: and (5) permission for the *Burnett* plaintiffs identified in Exhibits D-1 and D-2 to seek punitive damages and economic damages at a later date.

Finally, personal injury *Burnett* Plaintiffs identified in Exhibit D-3 to the Eubanks Decl., who joined the MDL proceedings after the 2006 Order and are encompassed with the default judgment against The Taliban, but who have not yet obtained judgments against the Iran Defendants, respectfully move this Court for an Order determining that they are encompassed within the 2006 default judgment against The Taliban and establishing a method of calculating their damages values.

Dated: April 7, 2022

Respectfully submitted,

MOTLEY RICE LLC

/S/ John M. Eubanks

John M. Eubanks, Esq.  
Jodi Westbrook Flowers, Esq.  
Robert T. Haefele, Esq.  
Jade Haileselassie, Esq.  
28 Bridgeside Boulevard  
Mount Pleasant, SC 29464  
Tel: (843) 216-9000  
Fax: (843) 216-9450  
Email: jeubanks@motleyrice.com